

# EXHIBIT A

1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF DELAWARE

3 \* \* \*

4 WAYNE VAN SCOY :

5 vs. :

: C.A. NO. 05-108-KAJ

6 VAN SCOY DIAMOND MINE OF :  
7 DELAWARE, INC., KURT VAN SCOY :  
and DONNA VAN SCOY :

8 \* \* \*

9 AUGUST 17, 2005

10 \* \* \*

11 PORTIONS OF THIS TRANSCRIPT CONTAIN CONFIDENTIAL

12 INFORMATION

13 \* \* \*

14 Videotape deposition of WAYNE VAN SCOY,  
15 taken pursuant to notice, was held at the law  
16 offices of FOX, ROTHSCHILD, O'BRIEN & FRANKEL, LLP,  
17 2000 Market Street, 10th Floor, Philadelphia,  
18 Pennsylvania 19103-3291, beginning at 10:11 a.m.,  
19 before McKinley Wise, a Registered Professional  
20 Reporter and an approved Reporter of the United  
21 States District Court.

22 ESQUIRE DEPOSITION SERVICES  
23 1880 John F. Kennedy Boulevard  
15th Floor  
Philadelphia, Pennsylvania 19103  
24 (215) 988-9191

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1 front fee used for the name, then yes. You know  
2 what I mean?

3 BY MR. QUINN:

4 Q. So you would pick and choose among  
5 the agreements to honor; is that correct?

6 A. Well, it's only if there was a  
7 dollar -- a fee paid for the use.

8 Q. Is Van Scoy Diamond Mine a famous  
9 mark?

10 A. Yes.

11 Q. What is the significance of all of  
12 the 20-year-plus-old advertising documents  
13 provided to us?

14 A. What -- say that again.

15 Q. What --

16 A. I'm sorry?

17 MR. QUINN: Read the question back,  
18 please.

19 \* \* \*

20 (Whereupon, the requested portion of  
21 the record was read.)

22 \* \* \*

23 MR. MICHAEL F. PETOCK: Objection.  
24 Seeking legal conclusion.

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1 BY MR. QUINN:

2 Q. You can answer the question.

3 A. I don't fully understand the  
4 question. In other words, like 20 years of  
5 advertising, what do I think it is or -- I don't  
6 understand it.

7 Q. Let me try to rephrase it in a way  
8 that will be more understandable.

9 We requested certain documents --  
10 and I'll get the exact quotation from the papers  
11 after lunch -- relating to advertising --

12 A. Yes.

13 Q. -- that has been done for the mark  
14 Van Scoy Diamond Mine.

15 A. Yes.

16 Q. Correct?

17 A. Yes.

18 Q. You're aware of that?

19 A. Yes.

20 Q. And some of the documents we  
21 received are -- and pardon my characterization  
22 because I may not have this exactly correct --

23 A. Yes.

24 Q. -- are copies of programs from

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1 NASCAR races for which your father's company or  
2 your father was a sponsor --

3 A. Yes.

4 Q. -- back in the early to mid-1980s.

5 A. Yes.

6 Q. And those documents are at least 20  
7 years old.

8 A. Yes.

9 Q. Maybe 25.

10 A. Okay.

11 Q. My question is, do those documents  
12 show Van Scoy Diamond Mine to be a famous mark?

13 A. Well, if anybody sponsors a stock-  
14 car race, they've got to be -- got to be a well-  
15 known company. I mean, that's why when you go to  
16 races, you see Coors Light, Coors Light, Coors  
17 Light. At least -- Nike, same thing. You just --  
18 you get to see it. And if they -- if they sponsor  
19 a big event, it's got to be.

20 Q. Okay. I understand that.

21 A. You know what I mean?

22 Q. I understand your answer.

23 MR. QUINN: Let's go off the record  
24 for a minute just 'cause it's going to take

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1 me a minute to get these --

2 THE VIDEOGRAPHER: Off the record --

3 off the record at 11:45.

4 \* \* \*

5 (Whereupon, a discussion was held

6 off the record.)

7 \* \* \*

8 (Whereupon, Exhibit D-1 was marked

9 for identification.)

10 \* \* \*

11 THE VIDEOGRAPHER: Back on the

12 record at 11:53.

13 BY MR. QUINN:

14 Q. Mr. Van Scoy, you have in front of  
15 you a document that's been marked as Defendant's  
16 Exhibit 1. Do you recognize that document?

17 A. Yes. It looks like a receipt of  
18 ours.

19 Q. It's a receipt from your store? Is  
20 that what you're saying?

21 A. 154 Mundy Street, yes, it looks like  
22 it.

23 Q. When did you start using this type  
24 of receipt?

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